

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
August 17, 2008

Closed Session: none

Call to Order: Meeting was called to order at: 9:37 a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Marvin Mulholland,
Absent: Councilor Fred Harrington, Jr., Councilor Shirley Oldman

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: Tribal Chairman Frank Ettawageshik, Chief Financial Officer Valerie Tweedie, Executive Assistant Rebecca Atkinson, Vice-Chairman William Denemy, Gaming Board of Director Chairperson Carol Mcfall, Gaming Board of Directors Dollie Keway, Gaming Board of Directors Judy Pierznowski, Gaming Board of Directors Sheran Patton, Gaming Board of Directors Executive Assistant Cathy Portman, Casino General Manager Sean Barnard, Casino Director of Hospitality Mike Bodjiak, Information Technology Director Paul Scheelk, Director of Slots Frank Kersh, Casino Facilities Director Barry Laughlin, Casino Table Games Director Susan Foster, Casino Human Resource Director Denise White, Casino Finance Director Barry Crowell, Tribal Police Sergeant Mike Givens

Guests: Fred Kiogima, Virginia von Der Lippe, Sarah Van De Car, Eleanor Barber, Harvey Gibson, Kenneth Gablow, Roger Emery, Warren Petoskey, Barb Petoskey, Andrew Stich, April Kahgee, Rich Gasco, Bob Petoskey, John Kenoshmeg Sr., Ralph Boslu

Motion made by Treasurer Chingwa and supported by Councilor Mulholland to adopt the agenda for August 17, 2008 with amendments.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Harrington, Jr., Councilor Oldman)

Motion made by Councilor Yellowbank and supported by Councilor McNamara to approve the minutes of August 3, 2008 with corrections.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Harrington, Jr., Councilor Oldman)

Tribal Elder's Comments: Warren Petoskey spoke regarding Northern Shores Loan Fund and why it is in place and not functional yet.

Casino General Manager Sean Barnard spoke regarding the recent casino reorganization.

Casino Human Resource Director Denise White spoke regarding the casino reorganization.

11:09 a.m. Recess called.

11:20 a.m. Meeting reconvened.

Motion made by Councilor McNamara and supported by Councilor Yellowbank to accept the Legislative Leader's report with confidential items contained therein.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Harrington, Jr., Councilor Oldman)

Motion carried.

11:45 a.m. Public Comment opened: Eleanor Barber spoke regarding the casino reorganization and communication with the Elders. Fred Kiogima spoke regarding Commission, Boards and Committees letter of interest and communication regarding receipt of such as well as securing employment within the Casino and the operating management training of Tribal Citizens for advancement into management positions. Fred Also spoke regarding the Petoskey News Review reporting of the Casino General Manager's interview comments. John Kawegoma spoke regarding the Casino being a Tribal business, the honor associated with running it and the request for full disclosure of Casino financials for Tribal Citizens. John also spoke regarding the Petoskey News Review's printing of the Casino General Manager's interview. Barry Laughlin spoke regarding the Casino General Manager's misquote in the Petoskey News Review. John Kawegoma further spoke regarding the Annual Community Meeting with regard to Mother's Day weekend.

12:15 p.m. Public Comment closed.

12:15 p.m. Lunch recess called.

1:38 p.m. Meeting reconvened. Councilor Oldman arrived.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to accept Treasurer Chingwa's verbal report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Oldman to accept Councilor Kiogima's Land and Reservation report and Tribal Council member verbal and written report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor Oldman and supported by Councilor Kiogima to accept Legislative Services Attorney Budnick's verbal and written report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

2:25 p.m. recess called.

2:37 p.m. meeting reconvened.

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to acknowledge receipt of the Tribal Chairman Addendum report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor McNamara to approve Execution of Trust Deed for 915 Emmet St Parcel:

TRIBAL MOTION # 081708-2008-2

WHEREAS the Little Traverse Bay Bands of Odawa Indians holds title, by virtue of the warranty deed recorded at Liber 589 Page 80, Emmet County Register of Deeds, to the parcel described in that deed as:

Situated in the City of Petoskey, County of Emmet,
State of Michigan:

Lot 3, Block 2, Loveless Blaney's addition to the
Village (now City) of Petoskey, according to the plat
thereof as recorded in Liber 1, Page 13 of Plats,
Emmet County Records, T34N, R5W.

Commonly known as: 915 Emmet Street
Tax ID: 52-19-06-402-040

which the Tribe requested be accepted into trust by the Secretary
of the Interior for the Tribe;

WHEREAS the Department of the Interior is mandated to accept this parcel into trust under 25 U.S.C. § 1300k-4(a);

THEREFORE BE IT RESOLVED that Tribal Treasurer Gerald V. Chingwa is authorized, by and on behalf of the Little Traverse Bay Bands of Odawa Indians, to execute a warranty deed for the parcel described above transferring title from the Tribe to the United States of America in trust for the Little Traverse Bay Bands of Odawa Indians, and to execute any other documents that may be necessary to complete the trust acquisition.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

3:03 p.m. Public Comment opened: Andrew Stich spoke regarding housing concerns and limits to the extent on what the Tribe can offer everyone as a whole

as well as the responsibility of Tribal Citizens. Donna Budnick spoke regarding budgetary limits for Tribal Council in regards to the twenty four duties of Tribal Council under the Constitution. Fred Kiogima spoke regarding his resume'. Fred also spoke regarding the Tribal Council budget with regard to how the expenditures need to benefit the Tribe.

3:16 p.m. Public Comment closed.

Motion made by Councilor Oldman and supported by Councilor McNamara to approve the supplemental funding for Legislative Branch Budget in the amount of \$129,000 to come from Prior Period Funds:

TRIBAL MOTION # 081708-2008-3

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Constitution states that the Tribal Council shall "Establish and maintain government offices";

WHEREAS the Legislative Office staff assist the Tribal Council in carrying out its Constitutionally mandated powers and duties;

WHEREAS the Legislative Branch budget was submitted in October of 2006, without the known anticipation of the amount of increased workload and activities of the Tribal Council and its committees;

WHEREAS the increase of Tribal Council workload and activities has led to a shortage in the Legislative Branch budget in the areas of travel, training, office staff salary and fringes.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council through Constitutional duty "authorizes the appropriation" of supplemental funding to the Legislative Branch budgets 1101-0 00 and 2000-0 01 in the amount of \$129,000 to come from prior period funds and in accordance with the Constitution, the Tribal Chairman shall administer his oversight authority to the extent necessary to ensure the appropriation of such funds.

Vote: 6 - Yes, 2 – No (Secretary Gasco Bentley, Councilor Kiogima), 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor Oldman to Appropriate Supplemental Funding for the Elders Program for hosting the Michigan Indian Elders Association (MIEA) Conference in the amount of \$20,000 to come from Prior Period Funds:

TRIBAL MOTION # 081708-2008-4

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Michigan Indian Elders Association (MIEA) was formed in 1997 to address the varied needs for the Elders in the state of Michigan including aid and assist in the improvement of the economic, social, healthful and spiritual well-being of Michigan Indian Elders;

WHEREAS the MIEA conference provides a forum where an Elder may speak, learn, grow and exercise control over their environment;

WHEREAS the conference will have presenters that promote prevention training and advocacy updates on issues that may impact Elders and Elder services.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, "authorizes the appropriation" of supplemental funding to the Elders program budget 2107-2-7005-00, for the purposes of hosting the MIEA Conference in October, 2008, in the amount of \$20,000 to come from prior period funds and in accordance with the Constitution, the Tribal Chairman shall administer his oversight authority to the extent necessary to ensure the appropriation of such funds.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)
Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to approve filing of an Amicus Brief on behalf of the Tribe for the lawsuit of the Ottawa Tribe of Oklahoma vs. Samuel Speck:

TRIBAL MOTION # 081708-2008-5

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of

which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Tribal Constitution provides for the Tribal Council to approve the filing of lawsuits in the name of the Tribe as proposed by the Executive, provided, the Tribal Council may approve the filing of a lawsuit in the name of the Tribe without Executive concurrence by an affirmative vote of six (6) members of Tribal Council;

WHEREAS the Executive has provided the Tribal Council with a proposal to submit an amicus brief for the *Ottawa Tribe of Oklahoma vs. Samuel Speck* either individually or collectively with other Tribes;

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, authorizes the filing of an amicus brief in the name of the Tribe for the lawsuit of the *Ottawa Tribe of Oklahoma vs. Samuel Speck* and not to exceed the payment in the amount of \$5,000.00, provided that a copy of the brief will be submitted to Tribal Council prior to the submission of such brief.

Vote: 7 - Yes, 1 - No (Councilor Mulholland), 0 - Abstained, 1 – Absent (Councilor Harrington, Jr.)

Motion made by Treasurer Chingwa and supported by Secretary Gasco Bentley to approve to pursue the Klas Robinson Q.E.D. full feasibility study for a gas station/C-store/service station and retail development for the former Victories Casino site for potential land use plan approval:

TRIBAL MOTION # 081708-2008-6

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the former Victories Casino site has been vacant and is no longer being used as a designated approved land use;

WHEREAS the Tribal Constitution provides for the Tribal Council to approve land use plans, Article VII D (11);

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, authorizes the pursuit of Klas Robinson QED to complete the full feasibility Study for Gas Station/C-

Store/Service Station and Retail Development at the former Victories Casino site for potential land use plan approval.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Oldman to approve the Hotline Policy and Procedures as recommended by the Appropriations and Finance Committee.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor McNamara and supported by Secretary Gasco Bentley to move the Indian Preference in Tribal Employment Statute to the next Tribal Council work session on September 6, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor McNamara to table the Commission, Boards and Committees Policy to the next Tribal Council work session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor Oldman and supported by Councilor Yellowbank to remove the Legal and Law Committee and Economic Development Committee from the agenda.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor McNamara to move the Tribal Treasurer's Reporting Responsibility to the Tribal Citizens to the next Tribal Council work session agenda.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor McNamara to move the Management and Labor Relations Statute and the Land Use, Building Regulation, and Zoning Statute to the next Tribal Council work session agenda.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley for Little Traverse Bay Bands of Odawa Indians to make a monetary contribution of \$15,000 which will come from the General Fund Prior Period Fund Account, to partially fund "The Native American Journey" project that is to be produced by Audrey Geyer with guidance from Tribal Citizen Warren Petoskey.

Vote: 3 - Yes, 5 – No (Councilor Mulholland, Treasurer Chingwa, Legislative Leader Law, Councilor Yellowbank, Councilor Oldman), 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion failed.

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank for Tribal Council attendance at the September 18/19, 2008 Understanding the Constitution training in Harbor Springs, Michigan.

Vote: 6 - Yes, 2 – No (Councilor Kiogima, Councilor Oldman), 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

Motion made by Councilor McNamara and supported by Treasurer Chingwa to adjourn at 5:02 p.m.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

Date